

EXHIBIT C

REDACTED VERSION

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4 KATHERINE MOUSSOURIS, HOLLY
5 MUENCHOW, and DANA PIERMARINI,
6 on behalf of themselves and a
class of those similarly
situated,

7 Plaintiffs,

8 vs.

Case No. 2:15-cv-01483-JLR

9 MICROSOFT CORPORATION,

10 Defendant.

11
12 **** CONFIDENTIAL - ATTORNEYS' EYES ONLY ****

13 VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION

14 OF

15 KATHERINE MOUSSOURIS
16

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23 DATE: June 10, 2016

24 REPORTED BY: Holly J. Buckmaster, RPR

25 CSR No. 2859

1 have strong professional relationships with the people
2 in the groups with whom you were working?

3 MS. DERMODY: Object to form.

4 THE WITNESS: Can you -- can you repeat that
5 question?

6 Q. (BY MS. HERMLE) Sure. When you were working with the
7 other groups with whom you worked in these roles, did
8 you need to be able to communicate clearly with them?

9 A. Yes.

10 Q. Did you need to be able to collaborate with them
11 cooperatively?

12 A. Yes.

13 Q. Did you need to establish relationships that were
14 professional and credible?

15 MS. DERMODY: Object to form.

16 THE WITNESS: I established relationships to
17 work with different groups inside and outside the
18 company and all of the programs that I had created
19 were a reflection of my ability to establish those
20 relationships successfully.

21 Q. (BY MS. HERMLE) Was that a key part of your work,
22 establishing credible relationships with the teams
23 with which you were working?

24 MS. DERMODY: Object to form.

25 THE WITNESS: Establishing working

relationships with teams that I would deal with inside and outside the company was my role -- or was a part of my role that I needed to do -- accomplish all of the many things that I did accomplish at the company.

Q. (BY MS. HERMLE) Are you proud of your work with Microsoft?

A. I'm proud of the things that I was able to accomplish while working there.

Q. And which particular things are you most proud of?

A. I can cite many of the things that I worked on there, creating Microsoft vulnerability research, the first multi-vendor coordination center of the company, writing Microsoft's coordinated vulnerability disclosure policy, which was the first policy in Microsoft's history.

Creating an internal HR policy about how employees who discover vulnerabilities should treat those vulnerabilities and act on them. Establishing some of the compensation opportunities for working with the hacker community and running those programs.

Establishing industry-leading new compensation packages for hackers such as the BlueHat Prize, which was looking for new defensive technologies that would protect all of Microsoft's customers.

1 Establishing the first ever bug bounty
2 programs of Microsoft and creating a much larger and
3 more legitimate defense economy for the trade of
4 vulnerabilities. Working on international standards
5 on vulnerability disclosure. Becoming elected an
6 editor of these international standards through my
7 work while I was at the company. That continues
8 today, I am still an editor. I am actually an editor
9 of three international standards.

10 There are many other things I could cite over
11 the seven-year history of my role at the company, but
12 many of the things that I did there are cited in the
13 security industry as things that have shaped the
14 security industry over the past decade. I was
15 featured just recently in Dark Reading as one of the
16 ten people who has shaped the security industry in the
17 past decade, and they cite my work at Microsoft.

18 Q. Going back to the chronology that I was asking about
19 earlier, throughout the time you worked at Microsoft,
20 did you work within the trustworthy computing group?

21 A. Yes --

22 Q. And --

23 A. Oh, yes. I believe so. It was still called that
24 when I left.

25 Q. Did it have the same name throughout the time you

1 were there?

2 A. The overall trustworthy computing group did the same
3 name while I was there, yes.

4 Q. In terms of the chronology, is it correct that you
5 were promoted to senior program manager in September
6 of 2008, a little over a year after you began working
7 there?

8 A. Yes, that sounds right.

9 Q. And you then became a level 3 -- sorry, 63 employee?

10 A. Correct.

11 Q. You had a salary increase to \$115,000 a year?

12 A. That sounds about right.

13 Q. And you had a bonus of over \$18,000 if you recall?

14 A. That sounds about right.

15 Q. At the time you were promoted to level 63 from level
16 62 in September of 2008, were you about seven months
17 pregnant with your first child?

18 A. Can you repeat those dates again?

19 Q. Yes. My understanding is you had a child in November
20 of 2008?

21 A. Yes.

22 Q. And in September of 2008, were you promoted to level
23 63?

24 A. Yes.

25 Q. In September of 2009, do you recall what your

Q. Okay. Did you -- do you recall how much paid maternity leave you received for that leave?

A. I don't recall exactly how much I received because I was dovetailing from the other kind of leave into the maternity leave.

Q. The bed rest leave, was that a form of disability leave that you received through Microsoft?

A. I'm not actually sure how they would have categorized that.

Q. When you returned from maternity leave in September of 2012 -- well, you -- you don't recall if it was that month?

A. It was September. Just you gave a specific date that I don't know that it was exactly that date or not.

Q. Do you have a recollection that in 2012 you did not meet the minimum number of work days to get a review, an annual review in 2012?

MS. DERMODY: Object to form.

THE WITNESS: I did receive a review in 2012 from Microsoft.

Q. (BY MS. HERMLE) Was there ever a year in which anyone told you that you hadn't met the minimum number of work days to get an annual review?

A. That's not my understanding of -- of it. When I started, there is usually a cutoff of if you don't

1 start by April 1st and you're not eligible to be
2 reviewed that year, which is why when I started in
3 2007, mid April, I wasn't reviewed in 2007 formally.

4 Q. In 2013, did you get a 2 rating?

5 A. Yes, I think that's right. Uh-huh.

6 Q. In 2012, did you get a 3 rating?

7 A. Yes.

8 Q. And did you move to an independent contributor track
9 in September of 2013?

10 A. Yes.

11 Q. And when did you resign your Microsoft employment?

12 A. I sent a -- I sent my manager an e-mail about being
13 forced to resign from Microsoft and I had asked for an
14 end date around the end of May and then my supervisor
15 at the time modified that end date to one of his
16 choosing, even though I believe I was still getting
17 paid until the end date that I had asked for at the
18 end of May.

19 Q. So excuse me, did you send that e-mail on May 15th to
20 Mr. Bryant?

21 A. I'm not sure of the exact date.

22 Q. Did you ask for a two-week period before your
23 resignation was effective?

24 A. Per normal professional standards, I gave two weeks'
25 notice that I had been forced to resign and I was

1 giving two weeks' notice to do any kind of job
2 transitions that they may have needed me to do.

3 Q. So on May 15, when you sent the resignation letter,
4 was it your plan to work through May 29th, through the
5 end of the month?

6 A. When I was forced to resign, it was my plan to work
7 until the end date that I had asked -- or that I had
8 let them know about my professional transition.

9 Q. Right. What I'm trying to find out from you when
10 that was, was the date that you set as your planned
11 actual departure date two weeks after you sent the
12 resignation e-mail?

13 A. The date that I had planned for professional
14 transition of any of my job duties was the date that I
15 had specified in the e-mail that I sent saying that I
16 had been forced to resign.

17 Q. But could you answer my question?

18 A. I think I've answered your question.

19 Q. No, I'm asking you what is that end date?

20 MS. DERMODY: Object to form. Argumentative.

21 THE WITNESS: The end of -- the end of May.

22 Q. (BY MS. HERMLE) Perfect.

23 Before you sent the e-mail to Mr. Bryant in
24 the middle of May 2014, how many people at Microsoft
25 had you told you planned to resign?

1 A. I don't know an exact number of people that I talked
2 to about what was being done to me at Microsoft.

3 Q. My question was different, it was how many people had
4 you told you planned to resign?

5 MS. DERMODY: Objection.

6 Q. (BY MS. HERMLE) Had you told anyone at Microsoft
7 before May 15th that you were resigning?

8 MS. DERMODY: Object to form.

9 THE WITNESS: I'm sure I told other people at
10 Microsoft that I was being forced to resign.

11 Q. (BY MS. HERMLE) When did you first tell anyone at
12 Microsoft that?

13 A. I had been complaining to HR for quite some time
14 about what was happening to me so --

15 Q. My question had to do with being forced to resign and
16 your resignation, what I'm trying to find out is when
17 did you first tell anyone you were resigning?

18 A. When did I first tell anyone that I was being forced
19 to resign?

20 Q. You can phrase it any way you like, but communicating
21 the concept of leaving the company, when did you first
22 do that?

23 A. I believe it was in January of 2014.

24 Q. And to whom did you convey that?

25 A. I was conveying to my supervisors and to HR and to

other confidants at work --

Q. And who were the confidants?

A. -- that I was being forced out.

Leah Lease, Ellen Cram-Kowalczyk, [REDACTED],
probably other people that I was talking to about what
was happening. Mike Reavey. Steve Lipner. [REDACTED]
[REDACTED]. [REDACTED]. There were probably others,
I can't recall the entire list right now, but if I
think of them throughout the day, I'll add to that
answer.

Q. At any time before mid May of 2014, did you convey to
Chris Betz that you planned to resign or were being
forced to resign?

A. I think -- at any time -- can you repeat the --

Q. Yes, I'm focusing on when you sent the actual e-mail.
At any time before you sent the e-mail to Jerry
Bryant, did you convey to Chris Betz that you were
either resigning or being forced to resign?

A. I conveyed throughout my management chain that I was
being forced out and forced to resign before I sent
that e-mail, yes.

Q. And what is the earliest time you did that, was that
in January of 2014?

MS. DERMODY: I'm sorry, just a
clarification, are you asking about Chris Betz or

THE WITNESS: In terms of specific comments that I can recall that would fall into that category, that's all that I can recall at this time.

Q. (BY MS. HERMLE) When you said that you had an impression that women were treated differently with respect to the how, what did you mean?

A. What I was trying to convey is that there's -- there seemed to be a very narrow line with respect to how that women were expected to operate whereas there seemed to be a lot more emphasis on the what for men as opposed to similar comments about men's how, so my impression is that if a woman was, you know, being assertive or passionate in getting her work done, that that could be -- that could count against her whereas with men, even including men who were discussed as having issues with their how, it didn't seem to affect them as much.

Q. What men were discussed as having issues with their how?

A. There were various, you know, that were -- the -- these attributes were brought up for -- for all the employees, so it would have been -- all of them were discussed in some form or another.

Q. What men were discussed as having issues, in other words, something negative about their how in the

meetings you attended?

A. I'll have to think about the meetings that I attended. The meeting that my boss Mark Oram attended, they discussed the how of my employee [REDACTED] and the what and -- and to the extent that the discussions were happening, as he was conveying that information to me, he represented -- he represented [REDACTED] work in terms of what and how according to how I had prepared him for it with the worksheet and with discussions about it and yet instead of his rating going down, it actually went up.

Q. Are you aware of any men other than [REDACTED] who -- [REDACTED]?

A. [REDACTED].

Q. [REDACTED], who were discussed as having any kind of issues with how they performed their job in the calibration meetings?

A. Other employees would tell me about their getting feedback about their how, like [REDACTED] had told me.

Q. What did [REDACTED] say about that?

A. That he was told that he needed to work on his how in order to get a better review or get promoted.

Q. Anyone other than [REDACTED] and [REDACTED]?

A. Those were the -- those were -- [REDACTED], singular.

1 Q. Sorry.

2 A. Those were the two that I recall right now but if I
3 think of more, I'll --

4 Q. When did [REDACTED] tell you he was informed he had needed
5 to work on his how to get a better review or get
6 promoted?

7 A. I believe it was -- it was the year before he was
8 promoted to principal, so that would have been --
9 maybe -- it's hard -- it's hard for me to say which
10 year exactly. It would have been 2011 or 2012, I
11 believe, but it's -- because the year is shifted
12 and -- the review year is shifted by six months, it's
13 hard for me to nail that down.

14 But he was -- he was told why he didn't get
15 promoted to level 65 was because of his how and then
16 he worked on something and -- and that seemed to be
17 enough to demonstrate that he had improved his how and
18 then he was promoted the following year.

19 Q. When you say he worked on something, what are you
20 referring to?

21 A. He worked on the delivery of a particular patch.

22 Q. To whom was he reporting when he was informed about
23 the problem with his how?

24 A. I'm not sure who his direct manager was at the time.

25 Q. Have you now told me about all of the gendered

1 comments that were made in the calibration meetings
2 you attended?

3 A. That I can recall right now.

4 Q. Do you remember any women other than [REDACTED] or
5 [REDACTED] moving downward from their supervisor's
6 recommended ratings in the calibration meetings?

7 A. Well, I'm aware of mine moving down.

8 Q. Well, in the meetings you attended, did you observe
9 any other women's recommended ratings from their
10 supervisor being adjusted downward?

11 A. I observed it and I can't recall details of -- of
12 who, but yes, I did.

13 Q. Well, what was the job of the person who you recall
14 this move downward?

15 A. They were program managers.

16 Q. Reporting to whom?

17 A. One of the managers that was in the calibration
18 meeting and I don't recall.

19 Q. Were there any men who you observed being adjusted
20 downward in their ratings from their supervisors'
21 recommended ratings in the calibration meetings?

22 A. I don't have any specific memory of that.

23 Q. Are there any women whose supervisor's recommended
24 ratings were moved upwards in the calibration meetings
25 you attended?

1 to -- to have a very -- you know, as positive a
2 relationship with him as possible.

3 Q. When you received this January '14 -- January 2014
4 Connect from him, at that time, did you believe that
5 he had treated you negatively because you were a
6 woman?

7 A. There were definite feelings that he was -- he was
8 treating me differently from other employees and I
9 questioned him on it at various intervals, like making
10 me do different details in the expense reports than
11 other employees.

12 Q. Can I just stop you because I want to take you
13 through all of that --

14 A. Uh-huh.

15 Q. -- but my first question is just at this time in
16 January, you did believe he was treating you
17 differently than other employees; is that correct?

18 A. Yes.

19 Q. And as of January of 2014, what were the ways in
20 which you believe he was treating you differently?

21 A. Well, he was requiring me to perform certain types of
22 additional detailed documentation for getting expense
23 reimbursement, like details he wasn't asking other
24 employees for.

25 And he would, you know, ask me for different

types of business planning documents and justifications of things that already had been approved and asking for me to write up additional business reasons and --

And when I would ask him to provide some sort of format for -- or, you know, expected format for -- for that kind of work or report that he wanted, he didn't -- he wouldn't provide it, but he would keep asking me for it, even though these were decisions that had already been made across the company and -- and the budgets had even already been approved.

So he was making -- he was asking me to redo work retroactively for programs that I'd already gotten approved and budgetarily approved.

Q. And in addition to requiring the documentation --

A. And I'm not finished.

Q. I'm going to ask you that, that's my question I'm going to ask you now.

A. Oh.

Q. In addition to requiring additional documentation for expenses and additional business planning documents, did he do anything else to treat you differently from other employees?

A. Well, and asking me for business planning documents and not providing me with examples of what it was that

1 he wanted. Even when I answered with business plans
2 and justifications, he wasn't happy with the format
3 that they came in, so I would ask.

4 But in addition, he was -- he was ramping in
5 a new team member, [REDACTED], who was a level 62
6 at the time I was a level 64 and he was starting to
7 take away areas of my responsibility and give them to
8 [REDACTED], who had zero experience on the team, was just
9 transitioning in from a different role.

10 He wouldn't provide any reason because there
11 were, you know, never any performance reasons of why I
12 would have lost the scope of what I had been in charge
13 of and run well, so I wasn't given any performance
14 reasons as to why the scope of my work was being
15 reduced and given to a lesser qualified male on the
16 team with no experience doing those activities.

17 Q. And I'm going to stop you.

18 A. And --

19 Q. I'm going to stop you here. What were the areas that
20 he took away from you and gave to the lesser qualified
21 male?

22 A. One example would be the content direction and -- and
23 strategic direction of the -- of the BlueHat
24 conference.

25 Q. Okay. Anything else?

1 A. There were -- there were -- there were some times I
2 remember it being conveyed to people in the security
3 community outside of Microsoft that [REDACTED] was taking
4 over certain -- like security outreach or activities,
5 that he was leading them.

6 Q. Did that actually happen, did he take
7 responsibilities in that arena from you or did you
8 simply hear that it was happening?

9 A. I was -- I was on an e-mail that went out and because
10 the way that Jerry was talking inside of the team
11 around what the roles and responsibilities were and
12 ascribing the lead of the -- of the hacker outreach or
13 security research or outreach activities as being
14 [REDACTED] now, even though I was formally in charge of
15 those, another team member was introducing me and
16 [REDACTED] to an external party and referred to [REDACTED]
17 as the lead of the outreach.

18 Q. Were there any other areas he took from you other
19 than what you've already described?

20 A. Conference sponsorship decision making and strategic,
21 you know, planning, there were the strategic oversight
22 of the expansions of the bounty programs. Essentially
23 the -- the strategic oversight of the areas that I had
24 either traditionally been in charge of as -- in part
25 of my role and job description and for which, you

1 was going on. And we had -- you know, we just
2 essentially wanted to work out a different kind of
3 rapport as we were adjusting to the new --

4 Q. I was trying to ask you what types of topics were you
5 discussing or what kinds of things were you
6 understanding her to be frustrated about, not how she
7 was expressing it, but what were the issues that were
8 causing her frustration to your understanding?

9 MS. DERMODY: Object to form.

10 THE WITNESS: I believe I answered this
11 earlier, but essentially some of the areas that I had
12 guided her in her delivery when -- when she was
13 reporting to me and I was supposed to be -- according
14 to all the plans that we had set forth in the
15 organization, supposed to be continuing to guide her
16 but just not as her supervisor directly, so things
17 like the evolution of the bounty programs, I was still
18 supposed to be the strategic owner of those things.

19 And this was in a period where I had
20 transitioned into an individual contributor and before
21 [REDACTED] had joined the team, so I was -- she
22 was expressing frustrations with that transition
23 process.

24 Q. (BY MS. HERMLE) As of March 6th, 2014, had you made
25 the decision to leave Microsoft?

1 A. I don't recall exactly. It was -- I was very upset
2 that I was being forced to leave.

3 Q. Did you communicate to Microsoft employees as of
4 March 6, 2014, that you had made the decision to
5 leave?

6 A. I -- I don't recall when I --

7 Q. When did you first make the complaint within
8 Microsoft regarding the treatment that you had
9 received from the company?

10 MS. DERMODY: Object to form.

11 MS. HERMLE: Yeah, that is really vague.

12 Q. (BY MS. HERMLE) In 2008, did you make a complaint
13 about your supervisors' conduct?

14 A. Technically. I --

15 Q. So I want to ask you about it, but could you just
16 answer the question, did you do that or did you not or
17 did you do something else?

18 A. I'm trying to answer your question. What happened
19 was I had spoken to a co-worker about what I found to
20 be sexual harassment in my organization done by Andrew
21 Kushman and that co-worker went and said that she was
22 going to let HR know that they should talk to me
23 and -- she let me know that she was going to do that,
24 so she reached out to HR and then HR contacted me and
25 then I told them the truth when they asked me about

Andrew Kushman.

So he wasn't my direct supervisor, there were two inaccuracies in your question and that I was trying to clarify. I did not go to HR initially, I -- my friend did in the organization and then HR came to me, and then two, it wasn't a complaint about my supervisor, it was my about my skip level, which was Andrew Kushman.

MS. HERMLE: Mark the answer, please.

Q. (BY MS. HERMLE) Who was the employee who went to HR?

A. [REDACTED].

Q. What did you report to HR after she did so?

A. That I had witnessed Andrew Kushman doing and saying things that were unacceptable in terms of sexual harassment of his employees and other people, other women in the org, making inappropriate comments at -- at work, at work events.

And, you know, I had told him directly that it was unacceptable, sometimes in real time when he was doing it and certainly as a summary right before I left his team to go to the SGL team.

Q. Was there an investigation conducted?

A. Yes.

Q. Who conducted it?

A. Laurie Serrano. And the --

Q. Did you --

A. I'm sure other people within -- because at some point, when the investigation was still happening, I -- I went on maternity leave for the first time, but she was the one I dealt with.

Q. Did you have an understanding that there were any consequences to Mr. Kushman?

MS. DERMODY: Object to form.

THE WITNESS: I had an understanding that he still had his job and still had his -- he wasn't put on leave, he had -- he had stopped being the -- the director of the MSRC and moved over into some other position and that he couldn't manage people for a while until he had gone through some training and then I observed him getting promoted again.

MS. HERMLE: Would you mark the answer, please.

Q. (BY MS. HERMLE) My question, Ms. Moussouris, was, did you have an understanding that there were any consequences to Mr. Kushman as a result of the investigation, and so did you understand that his ability to manage people within Microsoft for some period of time had been affected by the investigation?

MS. DERMODY: Object to form. Asked and answered.

THE WITNESS: That was one of the things that I observed happening afterwards.

Q. (BY MS. HERMLE) How did you know that he was required to go through training?

A. He told me.

Q. What did he say?

A. He said that I'm in manager jail and I have to go through some training.

Q. And how long after the investigation was the promotion that you just volunteered?

A. It was, you know, some -- a couple of years later. I'm not sure exactly when.

Q. Did you ever convey to anyone other than Laurie Serrano the fact that you had participated in that investigation?

A. [REDACTED] were involved in the investigation, [REDACTED].

Q. My question was, did you ever convey to anyone that you were involved in the investigation?

A. I conveyed to those people. My new supervisor, David Ladd, and Steve Lipner. If I think of anybody else, I'll add to it.

Q. Why were you telling people you were involved in that investigation?

A. Before the investigation happened and I was

1 explaining to my co-workers why I was leaving the
2 group and going over to Dave Ladd's group -- well, one
3 of the major reasons was that I couldn't stand working
4 there and they had been there or victims of or they
5 were the ones who told me about some of the events
6 that were happening or I was witness to it and it was
7 happening to them.

8 So we had been in discussion about all of
9 this and then when -- when I was leaving or [REDACTED]
10 [REDACTED], who was our manager, told us, well, you
11 don't need to go to HR, we don't need to go to HR
12 about this and [REDACTED] and [REDACTED], who were her direct
13 reports -- [REDACTED] was a -- not a full-time employee, she
14 was a contractor, but some of these things had
15 happened to her in the group -- they were both
16 reluctant to talk to HR.

17 So what had happened was when I spoke with
18 [REDACTED] and then [REDACTED] told me she was going to go to
19 HR, I let them know that that would just be happening
20 because [REDACTED] was bringing about -- or was making
21 it -- making HR aware.

22 And so why would I tell those people, well,
23 because they were -- we had been discussing the issues
24 at hand and then I informed them of the change of
25 status in terms of its being reported to HR, so of

1 course I was telling them that I was involved.

2 MS. HERMLE: Mark the answer, please.

3 Q. (BY MS. HERMLE) Was there any retaliation you
4 believed you suffered as a result of participating in
5 that investigation?

6 A. Yes.

7 Q. What was it?

8 A. I believe that my -- my overall compensation was --
9 was lowered before the final IRR was locked or before
10 the final compensation was given to me.

11 Q. Why do you believe that?

12 A. So on Exhibit 4, there's a missing rating that has to
13 do with the bonus amount and so you could get an
14 "exceeded," which is under the performan -- or -- like
15 the columns are off, but you get exceeded and then
16 there were tri-tiles or three -- three different other
17 ratings that you would get.

18 So one was in relation to your performance
19 against your commitments and the other at that point
20 in time, during that review system, the other rating
21 which is missing from Exhibit 4 was the -- what
22 percentile you got and so it was either the top 20
23 percent, like sort of the middle 70 percent or the
24 bottom ten percent.

25 And at that point the guidance that was given

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1 to managers was that was supposed to be what your
2 future contributions to Microsoft might be based on
3 their estimation of your, you know, your potential and
4 your, you know, your -- your overall perceived
5 longer-term value to the company and so that was used
6 to give a stock awards -- or decide stock awards was
7 if you ended up in the top 20 percent, there was a
8 range of stock awards, the same thing with the
9 "exceeded," "achieved" and "underachieved," there was
10 a range that was at the discretion in terms of bonus
11 for an "exceeded," and there was a range of stock
12 awards that you could get as a result of getting a 20
13 percent rating, which was the highest rating.

14 So given --

15 Q. Do you remember my question?

16 A. Given that -- given that I received an "exceeded," 20
17 and got a promotion, I -- oh, and the -- and the raise
18 percentage as well, the merit percent was supposed to
19 be -- the merit percent and the promotion percent --
20 it was -- the fact that it went to close to the bottom
21 of the range of the bonus review amount, it was
22 adjusted downwards after this complaint happened.

23 And also, the percentage that I got for both
24 getting the highest scores across both of those
25 measures and a promotion and I got a total of less

1 than five percent raise going from a not senior band
2 into the senior band also seemed very suspect.

3 And so I added -- once I found out that those
4 were my bonus amounts and those were my raise amounts,
5 I added it to the complaint and said I think there has
6 been a retaliation here because I think these have
7 been adjusted downwards.

8 And what was conveyed to me by Laurie was
9 that in the matter of sexual harassment of the
10 allegations against Mr. Kushman, they were founded,
11 and in the matter of the retaliation, that they didn't
12 find them to be outside of the practices that could
13 have naturally occurred, I suppose, inside of the --
14 inside of the group and that each group varied and so
15 she gave an explanation that it was within the bounds
16 of the group to vary it.

17 And so that's why they said that no, it
18 wasn't retaliation, even though it occurred after that
19 complaint was filed. So that's why I believed that I
20 was retaliated against as a result of that
21 investigation, which I believe was your original
22 question.

23 MS. HERMLE: Would you mark that, please.

24 Q. (BY MS. HERMLE) When was the next time you raised any
25 complaint about harassment, discrimination or unfair

treatment with any HR professional at Microsoft?

A. I don't remember the next time precisely. It -- I -- I don't have the specific recollection that you're looking for, for the very next time after that.

Q. Well, did you make more than one additional complaint to the HR team?

A. You're referring to the one additional complaint about -- about the harassment -- or sorry, the retaliation, that's the one additional complaint you're --

Q. Did you make a complaint about Mr. Bryant?

A. Yes.

Q. Did you make any other complaints to the HR team other than about Mr. Kushman, the retaliation in 2008 and Mr. Bryant?

A. Well, once the complaint about Mr. Bryant was underway, Mr. Betz as for -- and Mr. Betz was also included in that, I -- I considered them to be one HR event, but I don't know if I'm answering your question correctly.

Mr. Bryant, Mr. Betz, Mr. Reavey, they were all -- to me, they were all part of this organization that was pushing me out and not responding to my complaints.

Q. When did you first begin to speak to Judy Mims about

your concerns?

A. It was some point after the initial involvement of HR, as this was escalating.

Q. How did you come to speak to Ms. Mims about your concerns?

A. She was the person assigned to investigate a portion of the complaints.

Q. How did you come to learn that she was to be assigned to investigate your concerns?

A. I believe it was via e-mail, and maybe it was from her or maybe it was from Dietrich, I'm not sure, Dietrich being the HR generalist.

Q. How did you initiate the complaint?

A. Both verbally and -- and in e-mail.

Q. Do you mean orally?

A. Yes.

Q. To whom did you make your oral complaint?

A. To -- well, to HR, to Dietrich.

Q. And what did you say to Dietrich when you raised that concern?

A. I don't recall the exact -- that exact conversation, but I followed the HR process and I -- I started writing and documenting what I thought were the -- what I thought were the behaviors that caused me to complain about that.

1 Q. When did you first make your complaint to Dietrich?

2 A. At some point -- well, between January and March
3 there was a -- I think it was January of 2014, the --
4 the -- I had no faith that Jerry was -- Jerry Bryant
5 was trustworthy to have one-on-one conversations, so
6 at that point I wanted to have either Dietrich or
7 Chris Betz in the room with me to have any
8 conversations with Jerry because I felt he was being
9 dishonest in his character -- characterization of our
10 one-on-one conversations, so I let him know in January
11 that I wanted HR involved or Chris Betz, so that would
12 have been the first time I got HR involved in that
13 particular scenario.

14 Q. Are you telling me that in January of 2014, you first
15 raised your concerns about Mr. Bryant to HR?

16 A. I -- I might have been concerned earlier but I was
17 trying to -- I know that at that point -- HR might
18 have been in -- in earlier conversations than that,
19 like in December time frame or November, but
20 essentially in January is the time that I know that
21 I -- I stopped talking to Jerry without somebody from
22 HR or -- either copied on the e-mails or -- or
23 requiring that somebody should be present.

24 Q. After you list your complaint to HR in December 2013
25 or January 2014, did you have any oral conversations

with Mr. Dietrich?

A. He might have attended a meeting where we were trying to work things out. I believe Chris Betz and Dietrich and Jerry and I tried to meet at one point, so there were oral -- there were oral exchanges there about my concerns about Jerry's treatment.

Q. What did you say to Mr. Dietrich when you first raised concerns about the treatment you were receiving?

A. I mean, I expressed -- it's -- I mean, it's all documented in my interrogatories, but the -- what I was saying to him was that I felt like Jerry was treating me differently compared to the lesser qualified male who was two levels below me and that there was -- there was -- you know, he was -- he was taking away and reducing the scope of my role and forcing me out because of he -- you know, because of gender.

Q. After you conveyed this concern about differing treatment because of gender, do you have any understanding how Ms. Mims came to be assigned to the investigation?

A. From what I recall from her meeting with me, when she first introduced herself, she explained that she was -- that the way they do gender type investigations

1 was no longer through the HR generalist as it had been
2 with Laurie Serrano in the past, so she was explaining
3 that she was some sort of a third party but that was
4 employed by Microsoft, at least that was my
5 understanding of what she was saying.

6 So she was explaining to me that because I
7 had raised a gender concern, a gender discrimination
8 concern, that that's why she was brought in to handle
9 that portion of the complaint and that -- that was the
10 best of my understanding of why she was there.

11 Q. I asked you earlier if you made notes during your
12 employment with Microsoft about events that concerned
13 you, did you make any notes of the events that were
14 causing you concern?

15 A. I was trying to document everything via e-mail and
16 send it and try to keep -- keep a record of all that.

17 Q. That's what I want to ask you about.

18 A. Uh-huh.

19 Q. Other than describing things in e-mails that you were
20 sending, did you take any other notes, electronically
21 or otherwise?

22 A. I can't really recall anything in particular about
23 taking notes. Are you talking about like writing
24 things down on paper?

25 Q. We can start with that. Did you write things down on

paper about events that concerned you at Microsoft?

A. you know, I -- I don't have any specific recollections of doing that.

Q. Did you take notes electronically such as in a Word document or other form, other than in e-mails?

A. I don't recall doing that.

Q. You mentioned your interrogatory responses. What was the process that was used to write those interrogatory responses, and I'll tell you what I'm looking for here, did you actually write things out and then proofread them later or did you get a draft from someone and review the draft and make any changes you deem necessary?

MS. DERMODY: I'm going to caution you not to answer for a moment. What are you trying to get at here, because I'd like to let her answer, but I'm not going to let her answer about work product, but there's not any secret sauce that's happening here, so --

MS. HERMLE: Yeah, she thinks so. So Ms. Piermarini told us yesterday that she got a draft of interrogatory responses and reviewed them several times and made changes to ensure they were careful and accurate from her perspective, so I want to know, is that the same process here or was it a different

1 A. When Mark Oram was getting ready to leave.

2 Q. When was that?

3 A. Sometime in 2013.

4 Q. With whom did you discuss that?

5 A. Mark Oram, Mike Reavey, Jerry Bryant.

6 Q. In the course of those discussions --

7 A. Some others probably, but I don't remember right now.

8 Q. Okay. In the course of those discussions, did you
9 communicate whether or not you wanted the job?

10 A. We discussed a lot of different configurations, one
11 of which was the recommendation that Mark Oram had for
12 me, which was to promote me to principal and have me
13 be an individual contributor so that I could pursue
14 some of the policy and strategic work across the
15 organizations and, you know, expand in that direction
16 of government and policy influence while advising the
17 senior director directly.

18 Mike Reavey was still in a senior director
19 role, but it was known that Mike was transitioning out
20 and this was around the time that Chris Betz was
21 interviewing and -- and going to come in, but
22 essentially, there were a lot of things in flux about
23 what -- having to do with the role of head of EcoStrat
24 versus getting promoted to principal as my manager
25 recommended and reporting directly to the director as

an individual contributor and shifting my focus area.

So there were a lot of discussions going around based on we didn't know what my promotion status was going to be or whether or not Mike Reavey would recommend to the new director that change in structure where I was an IC and we had many discussions about that.

So a lot of it about head of EcoStrat versus not was contingent upon some of these other events that were happening at the same time and all these shifting, you know, shifting bits of data.

Q. Did you communicate to anyone at Microsoft that you were recommending Jerry Bryant take the role that he took?

A. We discussed -- once we found out that I was not going to be promoted, that, you know, we discussed whether or not it would be me or Jerry. Jerry had said he would be willing to follow me and that he wouldn't contest, you know, or try and interview for the role if I wanted it, because I had more experience than he did, he was newly hired into the team by Mark Oram the year before and he wasn't being recommended for a promotion by Mark, he told me so himself, so he was willing to let me lead the team if that's what I wanted to do.

But because I had seen such a poor outcome of the stack ranking process and the calibration process from my direct reports, I didn't want to be party to that system anymore, that was so inconsistent with the merit that they -- or the merit that they showed and what they earned and what they got as a result of that process, I didn't want to waste a lot of my time in a system that I felt was -- was broken and disadvantageous, so I wanted to stay an IC.

And the discussions I had with him before he took the job were around that we would still be -- that we would collaborate together and that I would still be the strategic head and strategic -- head of the previous area that I led as a manager but that I wouldn't have the managerial burden anymore and he would take that over for me, so at that point, that is when I said, okay, Jerry should go ahead and have it.

Q. So you did recommend that Jerry take on the job he took?

MS. DERMODY: Object to form.

THE WITNESS: Referring to my previous answer, after a lot of discussion and -- and after some of the outcomes of the review process, I decided that that was -- that -- I still didn't want to deal with the managerial duties and participate in the

1 calibration system anymore, so I recommended him
2 because he was willing to take on that role and that
3 we would still -- that I'd still be the strategic head
4 of those other areas, which he then immediately
5 started taking away when he became that head of the
6 team.

7 Q. (BY MS. HERMLE) Could you just tell me when you made
8 that recommendation, Ms. Moussouris?

9 MS. DERMODY: Object to form.

10 THE WITNESS: At some point after we found
11 out what our review outcomes were. So I don't know --
12 or that we found out what our likely review outcomes
13 were.

14 Q. (BY MS. HERMLE) The question was when?

15 A. Sometime in the fall or the late summer, early fall,
16 I don't recall exactly.

17 Q. The late summer or early fall of what year?

18 A. Oh, of 2013.

19 Q. Other than the treatment that you've already
20 described today, were there any other instances of
21 unfair or gendered treatment that you experienced at
22 Microsoft?

23 MS. DERMODY: Object to form.

24 THE WITNESS: The explanation given to me by
25 David Ladd when I got a 3 in -- or sorry, an -- an

1 A. Uhm --

2 MS. DERMODY: Just to be clear, at that time,
3 Lynne?

4 MS. HERMLE: No, I asked about ever.

5 MS. DERMODY: Okay.

6 THE WITNESS: I recall hearing -- hearing of
7 other gender -- just gender based treatment or sexual
8 harassment, I recall hearing about lots of -- or a few
9 different instances of that happening, and then I
10 recall hearing about women not getting promoted at --
11 when they had earned it according to what the
12 guidelines and the scope of what the next level would
13 be, and also --

14 Q. (BY MS. HERMLE) Stop for one minute.

15 A. I --

16 Q. Before you get to other women, I want to be sure
17 you've told me about all the gender based treatment
18 you suffered, so have you done that or are there other
19 instances for you?

20 A. Oh, I'm sorry, I thought you were saying about
21 anything.

22 Q. No, I was asking about other gender-based treatment
23 you yourself experienced at Microsoft.

24 A. Um, actually, Exhibit 21.

25 Q. What about that is unfair gender-based treatment?

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1 A. The feedback to me and reasons given to me why I
2 didn't get certain review scores or why I didn't get
3 promoted at different times was often around the how
4 and my communication style and ability to work with
5 partner teams and this is an example where I saw
6 somebody who was a [REDACTED] at the time, who was male,
7 and was known for being very difficult to work with,
8 many teams refused to work with him, he had an
9 often -- he -- he frequently had outbursts either in
10 the hallway of the -- of the workplace or to
11 individuals and his reviews didn't seem to suffer as a
12 result of this.

13 And this was also the way he -- the way
14 this -- this e-mail thread is -- where he's -- he's
15 being incredibly confrontational with me and I was a
16 partner, head of a partner team and he was doing it in
17 front of my direct reports and these were all things
18 that were example types of things that I observed
19 males getting treated differently and it not affecting
20 how they were valued in the organization.

21 And so even though on his very last day at
22 Microsoft, he was leaving and loudly commenting that
23 he could run the [REDACTED] himself and that Mike Reavey
24 knew that he was -- he was saying that he didn't think
25 Mike -- you know, that -- [REDACTED] was saying on his way

1 out that -- [REDACTED] was saying on his way out
2 that he thought that he didn't think highly of Mike
3 and didn't think he was qualified, even though Mike
4 Reavey knew this, because he said it very loudly in
5 the hallway, [REDACTED] was -- was a candidate that
6 was scheduled to interview for [REDACTED] a
7 few -- couple years later. And so --

8 Q. So I'm asking about treatment of you.

9 A. Yes. I'm --

10 Q. Are you answering that?

11 A. I'm answering that, because I'm saying this is an
12 example where a [REDACTED] male, who was exhibiting all
13 kinds of what would have been categorized as how
14 issues and escalations and all of the things that I
15 was told were the reasons why I couldn't get a review
16 score I deserved based on my work or get a promotion
17 to the next level, that he was able to do all of --
18 all of those behaviors without having the business
19 impact I had and he was treated as if those behaviors
20 didn't matter in his performance. This is another
21 example that I'm giving.

22 He was -- and to the point of others not
23 wanting to work with him and that being ignored, the
24 only -- the -- the reason that was -- the reason that
25 was given as to why his interview was scheduled to

1 behavior that males like this -- like this [REDACTED]
2 [REDACTED] could exhibit without having it impact their
3 careers. So [REDACTED] is one example.

4 There were others where I saw other males --
5 or I saw males in the organization getting promotions
6 to principal level and they lacked the impact of my
7 initiatives and they had been given feedback that they
8 had -- that they needed to work on something and they
9 were able to demonstrate it with relatively minor
10 instances.

11 So I believe I was talking about -- or I'm
12 talking about [REDACTED], for example, where he was
13 told that he needed to work on his how in order to get
14 promoted to principal in order to demonstrate that he
15 had successfully done -- taken that feedback, he -- he
16 only had to do one -- one thing, which was push out a
17 particular patch and show that he could get support
18 for pushing out this particular patch and the
19 circumstances that supposedly made it evidence that he
20 had overcome his issues were that it was a
21 non-traditional security patch and so to -- it was a
22 technical detail of the patch itself, that it was
23 normally not pushed out that way and because he was
24 able to get teams across Microsoft to agree to push
25 out this patch that had this one unusual attribute

about it, that that was sufficient to demonstrate that he was -- he had overcome the feedback issues.

And whereas my treatment by contrast, there are so many examples where I'm getting reviews where it's saying that I've -- I've made progress in this area, I'm working -- I'm demonstrating more collaborative techniques, I'm taking training and all of these things that felt to me like no matter what I tried to do to address the feedback, I was not -- I still -- and -- and my scope had been told to me was by far in excess of what most principals had in their scope and had been for a long time, that I still wasn't eligible for a promotion to level 65.

Q. Are you finished?

A. You're asking me of every single instance, so no, I don't think I'm finished.

Q. So could you look at Exhibit 4, please.

MS. DERMODY: Exhibit 4?

Q. (BY MS. HERMLE) Of the ratings listed on Exhibit 4, which in your view were gendered or unfair?

A. So you don't want me to finish answering your previous question?

Q. You're not answering my question, Ms. Moussouris, but I'm not going to argue with you about it.

Could you please look at Exhibit 4 --

MS. DERMODY: Object to that statement.

Q. (BY MS. HERMLE) -- and answer my question?

MS. DERMODY: Objection to the form, arguing with the witness. If you don't want to get a complete answer to her -- to her history of discrimination, I think that's your prerogative, but the record will speak for itself.

MS. HERMLE: I'm willing to put all of these answers before Judge Robart and have his views about whether they're responsive, but rather than waste the time on this --

Q. (BY MS. HERMLE) On Exhibit 4, are any of these reviews gendered?

A. I'm not sure what you're asking me. I'm --

Q. Well, I was trying before to get you to tell me about specific instances of unfair treatment and the very, very long answer you just gave about a series of other men had to do with you not getting promoted or getting unfair reviews, do you recall that, that's what you are saying, right?

A. So what are you asking me about this?

Q. Which specifically of the reviews or years that you got reviews were you subjected to that unfair treatment that you were describing where men were being -- were able to behave a certain way about the

1 how but you were not?

2 MS. DERMODY: Object to the form.

3 THE WITNESS: I observed that -- I observed
4 that kind of gender treatment of myself versus other
5 men throughout most of my time at Microsoft.

6 Q. (BY MS. HERMLE) So do you believe all of the reviews
7 that you received from 2008 through 2013 were unfair?

8 MS. DERMODY: Object to form.

9 THE WITNESS: I registered a complaint with
10 the 2008 review because I felt there was retaliation
11 based on gender issues, so that -- yes, to the 2008.

12 2009, I already explained was when David
13 Ladd -- when I'd come back from maternity leave and
14 David Ladd tried for a particular review score and
15 didn't get it and I believed that it was because of
16 gender issues.

17 In 2010, well, that was the example I was
18 giving about how I was being given feedback and told I
19 couldn't progress, whereas, [REDACTED] as this
20 e-mail shows in 2010 was still there and he was acting
21 out in that way and not being given that same feedback
22 or have his performance review impede -- impacted by
23 it.

24 Let's see. 2011, 2012, 2013. I still -- I
25 believe that 20 -- by 2011, I had already exceeded the

scope and HR-guided requirements for what a level 65 in terms of scope and areas of responsibility were and -- what -- and still wasn't promoted.

And then I was put forward for -- and then, yes, the 3 that I received in 2012, I believe, was also due to gender issues.

Q. (BY MS. HERMLE) Yes, you told me about that this morning, correct?

A. Yep. And -- and then the last review as well and denial of promotions, so yes, I believe every year there was some issue around gender, either affecting my review score or lowering my -- or my compensation somehow or impeding my promotion --

Q. Okay.

A. -- compared to my male peers.

Q. So having now explained the reviews that you thought were unfair to you because of your gender, I now want to ask you about the promotions and be sure I understand it.

When was the first time in your view you were unfairly denied a promotion at Microsoft? Was it before the promotion you wanted to principal or was it after you were promoted to 64 and during the period where you wanted a promotion to 65?

A. Um --

MS. DERMODY: I'll object to form.

MS. HERMLE: Did I get that wrong?

Q. (BY MS. HERMLE) All right. I'm going to restate this, because this is a really important question and I -- I really would like to clearly communicate it with you.

When did you receive any kind of unfair gender treatment with respect to promotions at Microsoft?

A. I believe that I should have been promoted at midyear as opposed to at the one and a half year mark at annual review, so of -- so I believe I should have been promoted before I was, the very first time I was.

And the reason I believe that is that I believe I was hired at a level that was lower than my experience and what often I would hear about males in my organization was that if they made -- if the hiring managers made a mistake, that they would often be promoted at midyear to correct it and I wasn't, so I think that it was from the very -- from before the very first promotion.

Q. And so the first promotion you are talking about is your promotion to level 63, correct?

A. Yes.

Q. And you believe that instead of being promoted -- I'm

And so that next time would have been right around April, April or May, whenever they were conducting the interviews, which I interviewed for and I was denied that promotion to lead the EcoStrat team --

Q. So the next was April --

A. -- and I believe that was gendered.

Q. The next was approximately April of 2010 rather than the September of 2010 promotion that you got; is that correct?

A. So promotion to lead the team.

Q. I understand. You are saying you believed in April of 2010 you should have received the promotion to lead the EcoStrat team, correct?

A. Yes. Because you don't need to change levels in order to become a lead, so it still would have been a career promotion and a -- and a career increase in scope, so it wasn't a level promotion, but it was a scope and -- and career promotion.

Q. I understand.

A. Yeah.

Q. Any other gendered or unfair treatment that you haven't already told me about with respect to promotions or otherwise?

A. Well, I was in the middle of telling you about

1 some --

2 Q. I'm going to come back to those men, but at the
3 moment I really want to understand the unfair
4 treatment of you. Any other unfair treatment of you?
5 Promotions you were denied, promotions you got too
6 late, reviews that were unfair, compensation treatment
7 that was unfair, a denial of positions, anything else
8 about you, and then I will go back to the men?

9 A. So you just conflated a whole bunch of different
10 terms, so are you asking -- are you asking about
11 promotions -- can you -- can you narrow it back down
12 to the place that you were?

13 Q. Yes, I can. I wasn't sure if you told me about all
14 of the unfair or gendered treatment that you
15 experienced with respect to promotions. Have you done
16 that?

17 A. No.

18 Q. Okay. What was the other unfair gendered treatment
19 regarding promotions?

20 A. It was being -- Mark Oram had put me up for --
21 recommended me for principal and a promotion to level
22 65 and it wasn't granted despite his -- his support
23 and belief that I had addressed all of the issues in
24 order to qualify for that -- that -- or all of the how
25 issues that had been told were the reason why, he

believed I had addressed them, he recommended me to be promoted and then the -- the result was still that I wasn't promoted.

Q. Do you know who made that decision?

A. I don't -- I don't know for sure.

Q. Okay. Do you have any impressions?

A. I don't -- I don't -- I don't really know for sure.

And the promotion from 64 to 65 was generally regarded as a little bit mysterious.

Q. Had you heard that the promotion to 65 was more difficult to achieve than a promotion to 64?

A. Yes, because they were changing bands.

Q. And I want to be sure if there are any other promotions or other unfair gender treatment, you have had the opportunity to tell me about them?

A. Well, I feel like I wasn't able to give complete answers to some of the questions you had had earlier about that.

Q. I'm going to go back to them, but I just want to be sure that I have any unfair treatment with respect to your promotions or reviews or any other -- any other thing that was unfair to you at Microsoft and then I'm going to come back to the men who were all treated the way that you were telling me about.

A. You said promotions, or you said promotion or reviews

or anything else that happened to me.

Q. Yes, that is what we are doing now. Before we get there, are there any other promotions that you were unfairly denied or that were gender based?

A. Yes. I believe that I -- when -- when Mike Reavey was explaining to me what I would need to do to get to level 65 and in terms of adjusting the how and I was observing that males were getting promoted despite having -- having had similar feedback on their how, that was -- that to me was another -- I mean, it was just examples that I was experiencing.

Q. And on this occasion, are you talking about the 2010 review with the how feedback?

A. No. Mike Reavey was still in my organization as, you know, a -- the -- my skip level manager. He was an interim manager while they were -- while they were interviewing that ended up being Mark Oram, so --

And then he was my skip level manager after Mark Oram came onboard, so he was still very much managing me and trying to talk to me about what I would need to do, so during -- just throughout the years that I -- that I was there, so between, you know, 2010, 2011, 2012, he was telling me, these were things you need to do in order to remove any objections to promoting you to level 65, but I was

1 I created the Microsoft bug banding programs, there
2 was no other person at Microsoft who created them, so
3 I did that.

4 Q. (BY MS. HERMLE) Were there any other programs that
5 you -- that you created that other people did not at
6 Microsoft?

7 A. Microsoft vulnerability research was another example.
8 Other -- do you want an exhaustive list or should I
9 stop?

10 Q. How long is the list?

11 A. I don't -- I mean -- I mean, the list, I can start
12 listing some of the things.

13 Q. What I'm really trying to figure out is, can you give
14 me the name of anyone whose duties were similar to
15 yours in 2013 at Microsoft?

16 MS. DERMODY: Object to form.

17 THE WITNESS: Well, I said earlier there
18 were -- there were duties that were overlapping in
19 terms of, for example, there was a large Microsoft
20 delegation that went to the ISO meetings and would
21 operate and, you know, try and advance some of the
22 standards in the direction that would, you know, be
23 beneficial to Microsoft and its customers and so in
24 terms of those types of duties, where there are
25 multiple people who are going to the meetings, that's

an example of where they would have similar duties.

Q. (BY MS. HERMLE) Who at Microsoft in your view in 2013 had the job duties that were closest to yours?

A. The scope of my role was very, very large. I don't think that there were -- that there were -- I don't know. I mean -- I don't -- I guess what I'm trying to say is the scope of what I was doing was very large, there were uniqueness -- there were unique elements because I kept creating new programs that didn't exist before. If I understand your question, you are asking who was the most similar?

Q. Yes.

A. Well, I didn't -- I wasn't really aware of people who had that large of a scope and still had to do a lot of the -- a lot of the, you know, management and -- and everything themselves. They often had much more help and support if they did have larger scopes.

Q. Earlier you were telling me -- and this is when we sort of had a disagreement about whether you were answering a question or not, so I'm going back to that -- you were telling me that there were men who had feedback that they needed to work on something and you also mentioned that there were men who had feedback that they were to work on their how, who were those men?

1 A. Well, I was describing [REDACTED] as an example
2 and he had been told that he just needed to work on
3 his how and --

4 Q. So you told me about that, right? That he told you
5 that he had been told that and he had one thing that
6 he did that fixed the how, so I think you did tell me
7 about that. Were there other examples?

8 A. There were other examples of men that I saw getting
9 promoted where they didn't have the scope that I did.

10 Q. And who were they?

11 A. [REDACTED] (ph), [REDACTED], [REDACTED], those
12 are all that I can recall right now.

13 Q. Were there other men other than [REDACTED] and you also
14 mentioned [REDACTED] earlier?

15 A. [REDACTED]?

16 Q. Yes. Who had issues with the how but got promoted
17 nonetheless, and who were they in addition to those
18 two gentlemen?

19 A. Either -- yeah, either promoted or if they left the
20 company and came back, they were being considered for
21 a higher-ranking position, so one of those examples
22 would have been [REDACTED].

23 Q. Was there anyone else that fell into that category,
24 other than [REDACTED]?

25 A. Are you going to let me describe what happened with

1 [REDACTED] or are we going to skip over it?

2 Q. My question was, were there any other people who fell
3 into that category, that is what I'm trying to find
4 out.

5 MS. DERMODY: If I can help out, I know it's
6 late in the day, but I think counsel is just asking
7 for the who, just the name.

8 THE WITNESS: Oh, okay. Any other people who
9 fall in that category?

10 Q. (BY MS. HERMLE) Do you need me to repeat the whole
11 question so you have it in mind?

12 A. Yep.

13 Q. The question was, I was asking you about all of these
14 men that you were telling me about who were treated
15 more preferentially than you were. Some of them fell
16 into their scope wasn't the same as yours and some of
17 them fell into their behavior did not -- was not
18 consistent with the how and you have told me about
19 those, I think.

20 And then you added that there were other men
21 who had left the company and come back and gotten
22 treatment that was unfair or beneficial in a way that
23 it shouldn't have been, so I'm asking who were those
24 men and you gave me [REDACTED] name, so now I'm asking
25 you, was there anyone else?

1 still being promoted and their career progressions
2 were -- were higher than -- than myself and other
3 females in the organization.

4 Q. Who were the females who had larger scopes or similar
5 scopes of responsibility or more experience than these
6 three gentlemen and were being promoted less quickly?

7 A. Well, [REDACTED] and [REDACTED] both had more -- more
8 experience in the business that we were doing than
9 [REDACTED], who became their manager and they weren't
10 allowed to interview for that role.

11 Q. For which role?

12 A. The role of [REDACTED].

13 Q. Any other women?

14 A. I -- and in terms of expertise and experience, I
15 recall [REDACTED] got promoted and he was in the
16 comms team and the justification for his promotion was
17 one of the announcements I worked on and that was one
18 of my programs or the CVD -- coordinated vulnerability
19 disclosure, that is what I mean by CVD -- he was given
20 a promotion based on his small part of that process
21 where it was my initiative and my expertise.

22 And he was, I believe, already a director at
23 the time, so for him to get promoted based on that as
24 a just -- his work on a part of my own initiative as a
25 justification to get him promoted within the director

bands, whereas I wasn't in those -- in those levels or bands and these were my programs, demonstrated to me that there was also gender issues going on and that I was being treated unfairly based on gender.

[REDACTED], who I had mentioned earlier, his scope was fairly narrow in terms of government influence work at the time he was promoted to principal and I wasn't, and that was a question of a big difference in terms of our scope and I was denied a promotion to principal and he received one.

Let's see. It is difficult to recall every single instance that I can think of because it was so pervasive and so common across my years at Microsoft. I'm sure there are more examples but I just can't think of any right now but I -- I, you know, want to -- it was -- it was very common.

Q. Were there any men who were fairly promoted to principal?

MS. DERMODY: I object to form.

THE WITNESS: By nature, I think because the women were held to a different standard for promotion in terms of what they needed to do, that I just don't think promotions were handled fairly, so by, you know, by definition of the -- if there's only so many promotions that are going to happen and women had to

1 do so much more to get them and men were getting them
2 for so much less, so in general, I -- I just don't
3 think the whole system was fair.

4 Q. (BY MS. HERMLE) And so would it be your view that all
5 of the men who were promoted to principal from 2012
6 onward during your time at Microsoft were unfairly
7 promoted to principal?

8 MS. DERMODY: Object to form.

9 THE WITNESS: I don't know that -- I think
10 that the system under which men and women were
11 evaluated for promotion against each other was unfair
12 and so I -- I think that there were -- it just was an
13 unfair system and disadvantaging women.

14 Q. (BY MS. HERMLE) And does that lead you to the belief
15 that all of the men who were promoted to principal
16 were promoted unfairly?

17 MS. DERMODY: Object to form. Asked and
18 answered.

19 THE WITNESS: I think I have answered the
20 question as best I can. I think twice. I'm not sure
21 what else.

22 Q. (BY MS. HERMLE) Can you give me the name of a man who
23 you believe was entitled or had earned a promotion to
24 principal?

25 MS. DERMODY: Object to form. Asked and

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter,
pursuant to RCW 5.28.010 authorized to administer oaths and
affirmations in and for the State of Washington, do hereby
certify:

That the annexed and foregoing deposition transcript of
the witness named herein was taken Stenographically before
me and reduced to a typed format under my direction; that
the transcript is a full, true and complete transcript of
the proceedings, including all questions, objections,
motions and exceptions of counsel, made and taken at the
time of the foregoing proceedings, to the best of my
abilities;

That I am not a relative, employee, attorney or counsel
of any party to this action or relative or employee of any
such attorney or counsel, and that I am not financially
interested in the said action or the outcome thereof;

That the witness, before examination, was by me duly
sworn, and the transcript was made available to the witness
for reading and signing upon completion of transcription,
unless indicated herein the waiving of signature;

I further certify that I am sealing the deposition in
an envelope with the title of the above cause and the name
of the witness visible, and I am delivering the same to the
appropriate authority;

I further advise you that as a matter of firm policy,
the Stenographic notes of this transcript will be destroyed
three years from the date appearing on this Certificate
unless notice is received otherwise from any party or
counsel hereto on or before said date;

IN WITNESS WHEREOF, I have hereunto set my hand on this
20th day of June, 2016, at Mountlake Terrace, Washington.

Holly J. Buckmaster, CCR # 2859.